

ARTICLE 1: GENERAL PROVISIONS**Section 1.1 Authority and Enactment**

In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160A, Article 19, Parts 2 and 3, BE IT ORDAINED BY THE BOARD OF COMMISIONS OF THE TOWN OF ROLESVILLE, as follows:

Section 1.2 Title

This ordinance shall be known and may be cited as the Unified Development Ordinance of the Town of Rolesville, North Carolina, and may be referred to as the UDO.

Section 1.3 Purpose

For the purpose of promoting the health, safety, morals, and general welfare, this ordinance is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the destiny of population, and the location and the use of the buildings, structures, and land for trade, industry, residence, or other purposes.

The regulations in this ordinance are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of and throughout the jurisdiction.

In addition, the purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of the Town of Rolesville. It is further designed to provide for the orderly growth and development of the Town of Rolesville; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

Section 1.4 Jurisdiction

The area to which this ordinance applies is shown on the official zoning map, and in addition shall govern each and every subdivision within the Town of Rolesville and its extraterritorial jurisdiction as shown on the official extraterritorial boundary map.

Section 1.5 Legal Status

In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants are at variance with the requirements of this ordinance, the most restrictions, or covenants are at variance with the requirements of the ordinance, the most restrictive, or that imposing the highest standards, shall govern.

Section 1.6 Severability

This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a Zoning Permit, Special Use Permit, Variance, Certificate of Zoning compliance, Certificate of Occupancy, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirements of some provisions hereof, and to protect the public health safety, and welfare. In addition, it shall be conclusively presumed that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1.7 Stature of Limitations

In accordance with G.S. 160A-364.1, a cause of action as to the validity of this ordinance, or amendment thereto, shall accrue upon the adoption of this ordinance or amendment thereto, and shall be brought within nine (9) months as provided in G.S. 1-54.1.

Section 1.8 Relationship to Existing Ordinances, Laws, and Violations in Progress

Upon the effective data of this ordinance, the following ordinances are repealed to the extent necessary to give this ordinance full force and effect:

- Town of Rolesville Code, Chapter 91- Subdivision Ordinance
- Town of Rolesville Code, Chapter 92- Zoning Ordinance
- Town of Rolesville Code, Chapter 93- Landscape Ordinance
- Town of Rolesville Code, Chapter 24- Appointed Boards and Committees

The regulations contained on this Unified Development Ordinance are not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other public laws, ordinances, or regulations. Where these regulations conflict with other provisions of public law and regulations, the more stringent requirements shall apply. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance, subdivision ordinance, or landscape ordinance heretofore in effect, which are not pending in any courts of this State or of the

United States, shall be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance has not yet been adopted. Any and all violations of the existing ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so constructed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

<u>Section 1.9 Effective Date</u>
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This ordinance shall take effect and be in force from and after October 4, 2004.

<u>Section 1.10 Adoption Date</u>
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Duly adopted by the Board of Commissioners of the Town of Rolesville, North Carolina, this day 4th of October, 2004.

Clerk

Mayor

Amendments

10/04/04 to entire document